

**Introduced by Committee on Public Safety (Senators Hancock
(Chair), Anderson, Glazer, Leno, Liu, Monning, and Stone)**

February 29, 2016

An act to amend Sections 830.3, 1328, 1424.5, and 13823.11, of the Penal Code, and to amend Section 40800 of the Vehicle Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as introduced, Committee on Public Safety. Public Safety Omnibus.

(1) Existing law provides that certain persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest, as specified, including, among others, the Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators designated by the chief.

This bill would delete the reference to the chief and those investigators designated by him or her and would instead specify that the Deputy Commissioner, Enforcement Branch of, or the Fraud Division Chief of, the Department of Insurance and those investigators designated by the deputy or the chief, are peace officers, as specified.

(2) Existing law authorizes, in those counties where the local agencies have consented with the marshal's office or the sheriff's office to participate, a criminal subpoena requiring a peace officer as a witness to be served by sending a copy by electronic means to the peace officer's immediate superior or an agent designated by the immediate superior to receive the service. Existing law requires the peace officer's immediate superior or the designated agent to acknowledge receipt of

the subpoena by telephone or electronic means if service is made by electronic means.

This bill would also authorize a criminal subpoena to be served by electronic means in counties that have consented to participate with the district attorney's office and would allow electronic service to be made by sending a copy to the peace officer personally. The bill would also permit the peace officer to acknowledge receipt of the subpoena if service is made by electronic means.

(3) Existing law authorizes a court, upon receiving information that a prosecuting attorney may have deliberately and intentionally withheld relevant or material exculpatory evidence or information in violation of law, to make a finding, supported by clear and convincing evidence that a violation occurred.

This bill would instead authorize a court to make that finding upon receiving information that a prosecuting attorney deliberately and intentionally withheld relevant, material exculpatory evidence or information in violation of law.

(4) Existing law requires that each victim of sexual assault who consents to an examination for the collection of evidence shall have collected, except where he or she specifically objects, among other things, swabs and slides from specified locations to determine the presence or absence of sperm and sperm motility, and for genetic marker typing. Existing law also requires that those victims of sexual assault, except when he or she specifically objects, have reference specimens collected, including, for example, pubic and head hair, blood, and saliva for genetic marker testing.

This bill would instead specify that the swabs and slides would be taken to determine the presence or absence of semen and that reference specimens include, for example, pubic and head hair, blood, and saliva for DNA comparison and analysis. The bill would also authorize reference specimens to be collected at a later time.

(5) Existing law requires a traffic officer on duty for the exclusive or main purpose of enforcing specified provisions of the Vehicle Code relating to accidents and accident reports and rules of the road to wear a full distinctive uniform, and if the officer uses a motor vehicle while on duty, requires the vehicle to be painted a distinctive color specified by the Commissioner of the California Highway Patrol.

This bill would delete the requirement that the motor vehicle be painted, but would continue to require the vehicle be a distinctive color.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.3 of the Penal Code is amended to
2 read:

3 830.3. The following persons are peace officers whose authority
4 extends to any place in the state for the purpose of performing
5 their primary duty or when making an arrest pursuant to Section
6 836 as to any public offense with respect to which there is
7 immediate danger to person or property, or of the escape of the
8 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
9 the Government Code. These peace officers may carry firearms
10 only if authorized and under those terms and conditions as specified
11 by their employing agencies:

12 (a) Persons employed by the Division of Investigation of the
13 Department of Consumer Affairs and investigators of the Board
14 of Dental Examiners, who are designated by the Director of
15 Consumer Affairs, provided that the primary duty of these peace
16 officers shall be the enforcement of the law as that duty is set forth
17 in Section 160 of the Business and Professions Code.

18 (b) Voluntary fire wardens designated by the Director of
19 Forestry and Fire Protection pursuant to Section 4156 of the Public
20 Resources Code, provided that the primary duty of these peace
21 officers shall be the enforcement of the law as that duty is set forth
22 in Section 4156 of that code.

23 (c) Employees of the Department of Motor Vehicles designated
24 in Section 1655 of the Vehicle Code, provided that the primary
25 duty of these peace officers shall be the enforcement of the law as
26 that duty is set forth in Section 1655 of that code.

27 (d) Investigators of the California Horse Racing Board
28 designated by the board, provided that the primary duty of these
29 peace officers shall be the enforcement of Chapter 4 (commencing
30 with Section 19400) of Division 8 of the Business and Professions
31 Code and Chapter 10 (commencing with Section 330) of Title 9
32 of Part 1.

33 (e) The State Fire Marshal and assistant or deputy state fire
34 marshals appointed pursuant to Section 13103 of the Health and
35 Safety Code, provided that the primary duty of these peace officers

1 shall be the enforcement of the law as that duty is set forth in
2 Section 13104 of that code.

3 (f) Inspectors of the food and drug section designated by the
4 chief pursuant to subdivision (a) of Section 106500 of the Health
5 and Safety Code, provided that the primary duty of these peace
6 officers shall be the enforcement of the law as that duty is set forth
7 in Section 106500 of that code.

8 (g) All investigators of the Division of Labor Standards
9 Enforcement designated by the Labor Commissioner, provided
10 that the primary duty of these peace officers shall be the
11 enforcement of the law as prescribed in Section 95 of the Labor
12 Code.

13 (h) All investigators of the State Departments of Health Care
14 Services, Public Health, and Social Services, the Department of
15 Toxic Substances Control, the Office of Statewide Health Planning
16 and Development, and the Public Employees' Retirement System,
17 provided that the primary duty of these peace officers shall be the
18 enforcement of the law relating to the duties of his or her
19 department or office. Notwithstanding any other law, investigators
20 of the Public Employees' Retirement System shall not carry
21 firearms.

22 (i) ~~The Chief of the Bureau of Fraudulent Claims of Either the~~
23 *Deputy Commissioner, Enforcement Branch of, or the Fraud*
24 *Division Chief of,* the Department of Insurance and those
25 investigators designated by the *deputy or the* chief, provided that
26 the primary duty of those investigators shall be the enforcement
27 of Section 550.

28 (j) Employees of the Department of Housing and Community
29 Development designated under Section 18023 of the Health and
30 Safety Code, provided that the primary duty of these peace officers
31 shall be the enforcement of the law as that duty is set forth in
32 Section 18023 of that code.

33 (k) Investigators of the office of the Controller, provided that
34 the primary duty of these investigators shall be the enforcement
35 of the law relating to the duties of that office. Notwithstanding any
36 other law, except as authorized by the Controller, the peace officers
37 designated pursuant to this subdivision shall not carry firearms.

38 (l) Investigators of the Department of Business Oversight
39 designated by the Commissioner of Business Oversight, provided
40 that the primary duty of these investigators shall be the enforcement

1 of the provisions of law administered by the Department of
2 Business Oversight. Notwithstanding any other law, the peace
3 officers designated pursuant to this subdivision shall not carry
4 firearms.

5 (m) Persons employed by the Contractors' State License Board
6 designated by the Director of Consumer Affairs pursuant to Section
7 7011.5 of the Business and Professions Code, provided that the
8 primary duty of these persons shall be the enforcement of the law
9 as that duty is set forth in Section 7011.5, and in Chapter 9
10 (commencing with Section 7000) of Division 3, of that code. The
11 Director of Consumer Affairs may designate as peace officers not
12 more than 12 persons who shall at the time of their designation be
13 assigned to the special investigations unit of the board.
14 Notwithstanding any other law, the persons designated pursuant
15 to this subdivision shall not carry firearms.

16 (n) The Chief and coordinators of the Law Enforcement Branch
17 of the Office of Emergency Services.

18 (o) Investigators of the office of the Secretary of State designated
19 by the Secretary of State, provided that the primary duty of these
20 peace officers shall be the enforcement of the law as prescribed
21 in Chapter 3 (commencing with Section 8200) of Division 1 of
22 Title 2 of, and Section 12172.5 of, the Government Code.
23 Notwithstanding any other law, the peace officers designated
24 pursuant to this subdivision shall not carry firearms.

25 (p) The Deputy Director for Security designated by Section
26 8880.38 of the Government Code, and all lottery security personnel
27 assigned to the California State Lottery and designated by the
28 director, provided that the primary duty of any of those peace
29 officers shall be the enforcement of the laws related to assuring
30 the integrity, honesty, and fairness of the operation and
31 administration of the California State Lottery.

32 (q) Investigators employed by the Investigation Division of the
33 Employment Development Department designated by the director
34 of the department, provided that the primary duty of those peace
35 officers shall be the enforcement of the law as that duty is set forth
36 in Section 317 of the Unemployment Insurance Code.
37 Notwithstanding any other law, the peace officers designated
38 pursuant to this subdivision shall not carry firearms.

39 (r) The chief and assistant chief of museum security and safety
40 of the California Science Center, as designated by the executive

1 director pursuant to Section 4108 of the Food and Agricultural
2 Code, provided that the primary duty of those peace officers shall
3 be the enforcement of the law as that duty is set forth in Section
4 4108 of the Food and Agricultural Code.

5 (s) Employees of the Franchise Tax Board designated by the
6 board, provided that the primary duty of these peace officers shall
7 be the enforcement of the law as set forth in Chapter 9
8 (commencing with Section 19701) of Part 10.2 of Division 2 of
9 the Revenue and Taxation Code.

10 (t) (1) Notwithstanding any other provision of this section, a
11 peace officer authorized by this section shall not be authorized to
12 carry firearms by his or her employing agency until that agency
13 has adopted a policy on the use of deadly force by those peace
14 officers, and until those peace officers have been instructed in the
15 employing agency's policy on the use of deadly force.

16 (2) Every peace officer authorized pursuant to this section to
17 carry firearms by his or her employing agency shall qualify in the
18 use of the firearms at least every six months.

19 (u) Investigators of the Department of Managed Health Care
20 designated by the Director of the Department of Managed Health
21 Care, provided that the primary duty of these investigators shall
22 be the enforcement of the provisions of laws administered by the
23 Director of the Department of Managed Health Care.
24 Notwithstanding any other law, the peace officers designated
25 pursuant to this subdivision shall not carry firearms.

26 (v) The Chief, Deputy Chief, supervising investigators, and
27 investigators of the Office of Protective Services of the State
28 Department of Developmental Services, the Office of Protective
29 Services of the State Department of State Hospitals, and the Office
30 of Law Enforcement Support of the California Health and Human
31 Services Agency, provided that the primary duty of each of those
32 persons shall be the enforcement of the law relating to the duties
33 of his or her department or office.

34 (w) This section shall become operative July 1, 2014.

35 SEC. 2. Section 1328 of the Penal Code is amended to read:

36 1328. (a) A subpoena may be served by any person, except
37 that the defendant may not serve a subpoena in the criminal action
38 to which he or she is a party, but a peace officer shall serve in his
39 or her county any subpoena delivered to him or her for service,
40 either on the part of the people or of the defendant, and shall,

1 without delay, make a written return of the service, subscribed by
2 him or her, stating the time and place of service. The service is
3 made by delivering a copy of the subpoena to the witness
4 personally.

5 (b) (1) If service is to be made on a minor, service shall be
6 made on the minor's parent, guardian, conservator, or similar
7 fiduciary, or if one of them cannot be located with reasonable
8 diligence, then service shall be made on any person having the
9 care or control of the minor or with whom the minor resides or by
10 whom the minor is employed, unless the parent, guardian,
11 conservator, or fiduciary or other specified person is the defendant,
12 and on the minor if the minor is 12 years of age or older. The
13 person served shall have the obligation of producing the minor at
14 the time and place designated in the subpoena. A willful failure to
15 produce the minor is punishable as a contempt pursuant to Section
16 1218 of the Code of Civil Procedure. The person served shall be
17 allowed the fees and expenses that are provided for subpoenaed
18 witnesses.

19 (2) If the minor is alleged to come within the description of
20 Section 300, 601, or 602 of the Welfare and Institutions Code, and
21 the minor is not residing with a parent or guardian, regardless of
22 the age of the minor, service shall also be made upon the designated
23 agent for service of process at the county child welfare department
24 or the probation department under whose jurisdiction the child has
25 been placed.

26 (3) The court having jurisdiction of the case shall have the power
27 to appoint a guardian ad litem to receive service of a subpoena of
28 the child and shall have the power to produce the child ordered to
29 court under this section.

30 (c) If any peace officer designated in Section 830 is required as
31 a witness before any court or magistrate in any action or proceeding
32 in connection with a matter regarding an event or transaction which
33 he or she has perceived or investigated in the course of his or her
34 duties, a criminal subpoena issued pursuant to this chapter requiring
35 his or her attendance may be served either by delivering a copy to
36 the peace officer personally or by delivering two copies to his or
37 her immediate superior or agent designated by his or her immediate
38 superior to receive the service or, in those counties where the local
39 agencies have consented with the *district attorney's office*,
40 ~~marshal's office~~ *office*, or sheriff's office, where appropriate, to

1 participate, by sending a copy by electronic means, including
2 electronic mail, computer modem, facsimile, or other electronic
3 means, to *him or her personally, or to* his or her immediate superior
4 or agent designated by the immediate superior to receive the
5 service. If the service is made by electronic means, the *peace officer*
6 *named in the subpoena, or his or her* immediate superior or agency
7 designated by his or her immediate superior shall acknowledge
8 receipt of the subpoena by telephone or electronic means to the
9 sender of origin. If service is made upon the immediate superior
10 or agent designated by the immediate superior, the immediate
11 superior or the agent shall deliver a copy of the subpoena to the
12 peace officer as soon as possible and in no event later than a time
13 which will enable the peace officer to comply with the subpoena.

14 (d) If the immediate superior or his or her designated agent upon
15 whom service is attempted to be made knows he or she will be
16 unable to deliver a copy of the subpoena to the peace officer within
17 a time which will allow the peace officer to comply with the
18 subpoena, the immediate superior or agent may refuse to accept
19 service of process and is excused from any duty, liability, or
20 penalty arising in connection with the service, upon notifying the
21 server of that fact.

22 (e) If the immediate superior or his or her agent is tendered
23 service of a subpoena less than five working days prior to the date
24 of hearing, and he or she is not reasonably certain he or she can
25 complete the service, he or she may refuse acceptance.

26 (f) If the immediate superior or agent upon whom service has
27 been made, subsequently determines that he or she will be unable
28 to deliver a copy of the subpoena to the peace officer within a time
29 which will allow the peace officer to comply with the subpoena,
30 the immediate superior or agent shall notify the server or his or
31 her office or agent not less than 48 hours prior to the hearing date
32 indicated on the subpoena, and is thereby excused from any duty,
33 liability, or penalty arising because of his or her failure to deliver
34 a copy of the subpoena to the peace officer. The server, so notified,
35 is therewith responsible for preparing the written return of service
36 and for notifying the originator of the subpoena if required.

37 (g) Notwithstanding subdivision (c), in the case of peace officers
38 employed by the California Highway Patrol, if service is made
39 upon the immediate superior or upon an agent designated by the
40 immediate superior of the peace officer, the immediate superior

1 or the agent shall deliver a copy of the subpoena to the peace officer
2 on the officer's first workday following acceptance of service of
3 process. In this case, failure of the immediate superior or the
4 designated agent to deliver the subpoena shall not constitute a
5 defect in service.

6 SEC. 3. Section 1424.5 of the Penal Code is amended to read:

7 1424.5. (a) (1) Upon receiving information that a prosecuting
8 attorney may have deliberately and intentionally withheld ~~relevant~~
9 ~~or relevant~~, material exculpatory evidence or information in
10 violation of law, a court may make a finding, supported by clear
11 and convincing evidence, that a violation occurred. If the court
12 finds such a violation, the court shall inform the State Bar of
13 California of that violation if the prosecuting attorney acted in bad
14 faith and the impact of the withholding contributed to a guilty
15 verdict, guilty or nolo contendere plea, or, if identified before
16 conclusion of trial, seriously limited the ability of a defendant to
17 present a defense.

18 (2) A court may hold a hearing to consider whether a violation
19 occurred pursuant to paragraph (1).

20 (b) (1) If a court finds, pursuant to subdivision (a), that a
21 violation occurred in bad faith, the court may disqualify an
22 individual prosecuting attorney from a case.

23 (2) Upon a determination by a court to disqualify an individual
24 prosecuting attorney pursuant to paragraph (1), the defendant or
25 his or her counsel may file and serve a notice of a motion pursuant
26 to Section 1424 to disqualify the prosecuting attorney's office if
27 there is sufficient evidence that other employees of the prosecuting
28 attorney's office knowingly and in bad faith participated in or
29 sanctioned the intentional withholding of the ~~relevant~~ *or relevant*,
30 material exculpatory evidence or information and that withholding
31 is part of a pattern and practice of violations.

32 (c) This section does not limit the authority or discretion of, or
33 any requirement placed upon, the court or other individuals to
34 make reports to the State Bar of California regarding the same
35 conduct, or otherwise limit other available legal authority,
36 requirements, remedies, or actions.

37 SEC. 4. Section 13823.11 of the Penal Code is amended to
38 read:

39 13823.11. The minimum standards for the examination and
40 treatment of victims of sexual assault or attempted sexual assault,

1 including child molestation and the collection and preservation of
2 evidence therefrom include all of the following:

3 (a) Law enforcement authorities shall be notified.

4 (b) In conducting the physical examination, the outline indicated
5 in the form adopted pursuant to subdivision (c) of Section 13823.5
6 shall be followed.

7 (c) Consent for a physical examination, treatment, and collection
8 of evidence shall be obtained.

9 (1) Consent to an examination for evidence of sexual assault
10 shall be obtained prior to the examination of a victim of sexual
11 assault and shall include separate written documentation of consent
12 to each of the following:

13 (A) Examination for the presence of injuries sustained as a result
14 of the assault.

15 (B) Examination for evidence of sexual assault and collection
16 of physical evidence.

17 (C) Photographs of injuries.

18 (2) Consent to treatment shall be obtained in accordance with
19 usual hospital policy.

20 (3) A victim of sexual assault shall be informed that he or she
21 may refuse to consent to an examination for evidence of sexual
22 assault, including the collection of physical evidence, but that a
23 refusal is not a ground for denial of treatment of injuries and for
24 possible pregnancy and sexually transmitted diseases, if the person
25 wishes to obtain treatment and consents thereto.

26 (4) Pursuant to Chapter 3 (commencing with Section 6920) of
27 Part 4 of Division 11 of the Family Code, a minor may consent to
28 hospital, medical, and surgical care related to a sexual assault
29 without the consent of a parent or guardian.

30 (5) In cases of known or suspected child abuse, the consent of
31 the parents or legal guardian is not required. In the case of
32 suspected child abuse and nonconsenting parents, the consent of
33 the local agency providing child protective services or the local
34 law enforcement agency shall be obtained. Local procedures
35 regarding obtaining consent for the examination and treatment of,
36 and the collection of evidence from, children from child protective
37 authorities shall be followed.

38 (d) A history of sexual assault shall be taken.

39 The history obtained in conjunction with the examination for
40 evidence of sexual assault shall follow the outline of the form

1 established pursuant to subdivision (c) of Section 13823.5 and
2 shall include all of the following:

- 3 (1) A history of the circumstances of the assault.
- 4 (2) For a child, any previous history of child sexual abuse and
5 an explanation of injuries, if different from that given by parent
6 or person accompanying the child.
- 7 (3) Physical injuries reported.
- 8 (4) Sexual acts reported, whether or not ejaculation is suspected,
9 and whether or not a condom or lubricant was used.

10 (5) Record of relevant medical history.
11 (e) (1) If indicated by the history of contact, a female victim
12 of sexual assault shall be provided with the option of postcoital
13 contraception by a physician or other health care provider.

14 (2) Postcoital contraception shall be dispensed by a physician
15 or other health care provider upon the request of the victim.

16 (f) Each adult and minor victim of sexual assault who consents
17 to a medical examination for collection of evidentiary material
18 shall have a physical examination which includes, but is not limited
19 to, all of the following:

20 (1) Inspection of the clothing, body, and external genitalia for
21 injuries and foreign materials.

22 (2) Examination of the mouth, vagina, cervix, penis, anus, and
23 rectum, as indicated.

24 (3) Documentation of injuries and evidence collected.

25 Prepubertal children shall not have internal vaginal or anal
26 examinations unless absolutely necessary. This does not preclude
27 careful collection of evidence using a swab.

28 (g) The collection of physical evidence shall conform to the
29 following procedures:

30 (1) Each victim of sexual assault who consents to an examination
31 for collection of evidence shall have the following items of
32 evidence collected, except where he or she specifically objects:

33 (A) Clothing worn during the assault.

34 (B) Foreign materials revealed by an examination of the
35 clothing, body, external genitalia, and pubic hair combings.

36 (C) Swabs and slides from the mouth, vagina, rectum, and penis,
37 as indicated, to determine the presence or absence of ~~sperm and~~
38 ~~sperm motility, and for genetic marker typing.~~ semen.

39 (D) If indicated by the history of contact, the victim's urine and
40 blood sample, for toxicology purposes, to determine if drugs or

1 alcohol were used in connection with the assault. Toxicology
2 results obtained pursuant to this paragraph shall not be admissible
3 in any criminal or civil action or proceeding against any victim
4 who consents to the collection of physical evidence pursuant to
5 this paragraph. Except for purposes of prosecuting or defending
6 the crime or crimes necessitating the examination specified by this
7 section, any toxicology results obtained pursuant to this paragraph
8 shall be kept confidential, may not be further disclosed, and shall
9 not be required to be disclosed by the victim for any purpose not
10 specified in this paragraph. The victim shall specifically be
11 informed of the immunity and confidentiality safeguards provided
12 herein.

13 (2) Each victim of sexual assault who consents to an examination
14 for the collection of evidence shall have reference specimens taken,
15 except when he or she specifically objects thereto. A reference
16 specimen is a standard from which to obtain baseline information
17 (for example: pubic and head hair, blood, and saliva for ~~genetic~~
18 ~~marker typing~~). *DNA comparison and analysis*). *Reference*
19 *specimens may also be collected at a later time if they are needed.*
20 These specimens shall be taken in accordance with the standards
21 of the local criminalistics laboratory.

22 (3) A baseline gonorrhea culture, and syphilis serology, shall
23 be taken, if indicated by the history of contact. Specimens for a
24 pregnancy test shall be taken, if indicated by the history of contact.

25 (4) (A) If indicated by the history of contact, a female victim
26 of sexual assault shall be provided with the option of postcoital
27 contraception by a physician or other health care provider.

28 (B) Postcoital contraception shall be dispensed by a physician
29 or other health care provider upon the request of the victim.

30 (h) Preservation and disposition of physical evidence shall
31 conform to the following procedures:

32 (1) All swabs and slides shall be air-dried prior to packaging.

33 (2) All items of evidence including laboratory specimens shall
34 be clearly labeled as to the identity of the source and the identity
35 of the person collecting them.

36 (3) The evidence shall have a form attached which documents
37 its chain of custody and shall be properly sealed.

38 (4) The evidence shall be turned over to the proper law
39 enforcement agency.

40 SEC. 5. Section 40800 of the Vehicle Code is amended to read:

1 40800. (a) A traffic officer on duty for the exclusive or main
2 purpose of enforcing the provisions of Division 10 (commencing
3 with Section 20000) or *Division* 11 (commencing with Section
4 21000) shall wear a full distinctive uniform, and if the officer while
5 on duty uses a motor vehicle, it ~~must be painted~~ *shall be* a
6 distinctive color specified by the commissioner.

7 (b) This section does not apply to an officer assigned exclusively
8 to the duty of investigating and securing evidence in reference to
9 the theft of a ~~vehicle or~~ *vehicle*, failure of a person to stop in the
10 event of an ~~accident or~~ *accident*, violation of Section 23109 or
11 ~~23109.1 or 23109.1~~, in reference to a felony charge, or to an officer
12 engaged in serving a warrant when the officer is not engaged in
13 patrolling the highways for the purpose of enforcing the traffic
14 laws.

15 SEC. 6. Any section of any act enacted by the Legislature
16 during the 2016 calendar year that takes effect on or before January
17 1, 2017, and that amends, amends and renumbers, adds, repeals
18 and adds, or repeals a section that is amended, amended and
19 renumbered, added, repealed and added, or repealed by this act,
20 shall prevail over this act, whether that act is enacted prior to, or
21 subsequent to, the enactment of this act. The repeal, or repeal and
22 addition, of any article, chapter, part, title, or division of any code
23 by this act shall not become operative if any section of any other
24 act that is enacted by the Legislature during the 2016 calendar year
25 and takes effect on or before January 1, 2017, amends, amends
26 and renumbers, adds, repeals and adds, or repeals any section
27 contained in that article, chapter, part, title, or division.